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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,739	10/22/2001	Gil Mueller	450117-03591	5444

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EXAMINER
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TAYLOR, NICHOLAS R

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/016,739	Applicant(s) MUELLER ET AL.	
	Examiner Nicholas R. Taylor	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1 and 3-15 have been presented for examination and are rejected.

### ***Response to Arguments***

2. Applicant's arguments filed 10/13/2005 with respect to claims 1 and 3-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Specification***

3. The disclosure is objected to because of the use of numerical references to the claims, e.g. the references to claims 1 and 13 on page 4, lines 10-13. Due to the cancellation of claim 2 (and possible future changes), if the application is placed in condition for allowance the resulting claim renumbering will no longer correspond to the specification. Appropriate correction is required.

### ***Claim Objections***

4. Claim 9 is objected to because of a minor grammar informality: "refuses to participate said negotiating process". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3, 7-10, and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chebrolu (US Patent 6,754,714).

7. As per claim 1, Chebrolu teaches a centralized method for resolving resource conflicts occurring when shareable resources which are at least partially allocated by at least one resource using client are requested by a resource demanding client (Chebrolu, column 1, lines 50-64),

wherein, in order to resolve resource conflicts (Chebrolu, column 2, line 65 to column 3, line 8), a negotiation process with said at least one resource using client and said resource demanding client about future rights of allocating said requested shareable resources is performed, and (Chebrolu, column 3, lines 20-37, and figure 3)

wherein said negotiation process is based upon a process of tracking and/or storing relationship information between said shareable resources allocated by said resource using client and client operations of said resource using client using said allocated shareable resources, said relationship information specifying how much of the resources allocated by a resource using client is needed by a specific client operation (column 3, lines 20-37, specifically the usage table 12 of figure 2, that is used to determine the resource usage of individual clients and their status).

8. As per claim 3, Chebrolu teaches the system further characterized in that said negotiating process is based upon a determining process of a client status of said resource using client (column 3, lines 20-37, specifically the usage table 12 of figure 2, that is used to determine the resource usage of individual clients and their status).

9. As per claim 7, Chebrolu teaches the system further characterized by asking said resource demanding client whether insisting on a shareable resources demand (Chebrolu, column 6, lines 14-29).

10. As per claim 8, Chebrolu teaches the system further characterized by acting according to a configurable default reaction mechanism if said resource using client refuses to participate said negotiating process, refuses to act according to results of said negotiating process or is not capable of participating in said negotiating process (Chebrolu, column 4, lines 11-24, wherein the default operation is enacted by the central unit).

11. As per claim 9, Chebrolu teaches the system further characterized by preempting said resource using client from its allocated shareable resources as a default reaction mechanism (Chebrolu, column 4, lines 48-68).

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12. As per claim 10, Chebrolu teaches the system further characterized by terminating said client operations using said allocated shareable resources as a default reaction mechanism (Chebrolu, column 4, lines 48-68).

13. As per claim 12, Chebrolu teaches the system further characterized in that said negotiating process, said step of determining said client status of said resource using client and said step of providing said shareable resources to said resource demanding client are coordinated by a central unit having access to said shareable resources (Chebrolu, specifically the resource allocation unit 10 of figure 2).

14. As per claim 13, Chebrolu teaches a host providing shareable resources for performing specific client operations, which are assignable to resource using clients being connected to said host, respectively (Chebrolu, column 1, lines 50-64), characterized by

an extracting means for extracting client status information of a resource using client,

processing means being connected to said extracting means for processing said extracted client status information,

providing means being connected to said extracting means and said processing means for providing said shareable resources to a resource demanding client and/or to a client operation assigned to said resource demanding client,

wherein said shareable resources providing process is initiatable or refusable by said processing means (Chebrolu, column 2, line 65 to column 3, line 8) according to said extracted client status information and is also based upon tracking and/or storing relationship information between said shareable resources allocated by said resource using client and client operations of said resource using client using said allocated shareable resources, said relationship information specifying how much of the resources allocated by a resource using client is needed by a specific client operation (Chebrolu, column 3, lines 20-37, and figure 3, also specifically the usage table 12 of figure 2, that is used to determine the resource usage of individual clients and their status).

15. As per claim 14, Chebrolu teaches the system further characterized by providing said deallocated shareable resources of said resource using client to said resource demanding client (Chebrolu, column 4, lines 48-68).

16. As per claim 15, Chebrolu teaches the system further characterized by providing said deallocated shareable resources of said resource using client to said resource demanding client (Chebrolu, column 4, lines 48-68).

### ***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 4-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chebrolu (US Patent 6,754,714) and Chang et al. (US Patent 6,240,453).

19. As per claim 4, Chebrolu teaches the above, yet fails to teach asking the resource using client or a user of said resource using client about releasing at least a part of its allocated shareable resources and/or about terminating said client operations using said allocated shareable resources to determine said client status of said resource using client, said asking process being performed on the basis of said tracked and/or stored relationship information.

Chang teaches a communication channel resource management system (Chang, column 2, lines 19-31) where the resource using client is asked to terminate/release its unused allocated resources (Chang, column 9, lines 33-67 and figure 12).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Chebrolu and Chang to provide the request system of Chang in the system of Chebrolu, because doing so would allow confirmation and input from the specific resource using client thereby optimizing resource availability (Chang, column 1, lines 61-67 and column 2, lines 19-29).

20. As per claim 5, Chebrolu-Chang teaches the system further characterized by refusing to provide shareable resources to said resource demanding client if said



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resource using client refuses to release its allocated shareable resources and/or if said resource using client refuses to terminate said client operations using said allocated shareable resources (Chang, figure 12, flow branch 1211).

21. As per claim 6, Chebrolu-Chang teaches the system further characterized by instructing said resource using client to release its allocated shareable resources and/or to terminate said client operations using said allocated shareable resources if said resource using client accepts to release its allocated shareable resources and/or if said resource using client accepts to terminate said client operations using said allocated shareable resources (Chang, figure 12, specifically the call release\_resource function).

22. As per claim 11, Chebrolu-Chang teaches the system further characterized by providing said deallocated shareable resources of said resource using client to said resource demanding client (Chebrolu, column 4, lines 11-24).

### ***Conclusion***


23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor  
Examiner  
Art Unit 2141

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER